IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1389 of 1992

State Bank of India .. Plaintiff

Vs.

Pankaj Shivraj Thakkar & Ors. .. Defendants

Ms. Benedicta Lobo i/b

M/s. Mulla & Mulla for Plaintiff.

None for defendant No. 2.

CORAM: S.K. SHAH, J.

DATE : 7th June, 2006.

P.C.

The decree has already been passed against the defendant No. 1 and 3. It is ex parte decree. In the order dated 3rd April 1998 it is observed that the learned counsel representing the defendant No. 2 made a statement before the court that the defendant No. 2 has already entered into a settlement with the bank and was willing for a decree on admission. However learned counsel for the plaintiff states that defendant No. 2 thereafter backed out and did not have settlement with the bank. It appears that defendant No. 2 had appeared and taken time for filing written statement. However no written statement is filed. Therefore the suit has been undefended against the defendant No. 2. Therefore the learned counsel for the plaintiff seeks decree against the defendant No. 2.

2. The documents in support of the claim are also produced on record. Considering those documents the defendant No. 2 who was the guarantor is also liable to pay the amount.

3. The suit be decreed against the defendant No. 2 in terms of prayer clause (a), (b) and (c). The decree be drawn accordingly. The Court Receiver to continue in execution.

4. The suit stands disposed of.

(S. K. SHAH, J)